

Clean Water Act Section 604(b) Grant Work Plan

For

April 1, 2016 - March 31, 2017

NYSDEC: Joseph DiMura, CWA §604 (b) Coordinator, DEC,
625 Broadway, Albany, NY 12233-3500

USEPA: Martha Isaac, CWA §604 (b) Coordinator, EPA,
24th Floor, 290 Broadway, New York, NY, 10007-1866

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Strategic Goals & Objectives
FY 2014-2018 EPA Strategic Plan

Essential Element 1
Goal 2: Protecting America's Waters

Essential Element 2
Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems.

Under Clean Water Act (CWA) Title 2 §205 (j), EPA provided funding to States to carry out water quality management planning (WQMP) efforts including, but not limited to, activities under CWA §205 (j) and §303(e). CWA §205(j)(3) required the State to allocate at least 40% of those funds to eligible regional public comprehensive planning organizations or interstate organizations (RPCPOs/IOs) for the development and implementation of a plan for carrying out the WQMP program. CWA Title 6 §604(b) continued authorization for allotment of the funds to states in accordance with Section 205(j). EPA Headquarters and EPA Region 2 Letters and Memoranda dated 08/18/87, 10/27/87, 03/7/90, 04/19/90, 4/11/91, 6/21/91, 6/26/91 and 08/02/91 required the continuation of the 40% allocation to RPCPO/IPOs.

Component # 1 of 3 - Water Quality Management Planning

Components	Narrative	Indicators	FY - 16 Performance Activity Measures
a. (Sue Van Patten) (Seth Ausubel) (Sheri Jewhurst)	<p>DEC will comply with the requirements of CWA §604(b) Pass-Thru Funds Memorandum of Agreement (MOA), executed on July 18, 1996, as long as it remains in effect.</p> <p>DEC staff will review and approve 604(b) pass-through funding for each grant recipients' work plans budgets for each year of the four-year</p>	<p>Progress Through 9/30/16 Reported on 10/31/16 and Progress Through 3/31/17 and Reported on 4/30/17</p> <p>The approved individual project work plans will be e-mailed to EPA by December 31.</p> <p>The 604(b) Pass-Through Fiscal Report will be e-mailed annually to EPA by</p>	

	<p>contracts.</p> <p>DEC will promote the EPA's 9-element Watershed Based Plan structure as the preferred watershed based plan approach for nonpoint source pollutant reduction.</p> <p>DEC will provide EPA with information on an annual basis summarizing the 604(b) and state-supported water quality management projects contributing to restoration of impaired waterbodies and watersheds.</p>	December 31.	
b. (Sue Van Patten) (Seth Ausubel) (Sheri Jewhurst)	DEC will continue to restore and protect New York's watersheds by increasing public awareness and understanding of issues as well as through partnerships for action.	Progress Through 9/30/16 Reported on 10/31/16 and Progress Through 3/31/17 and Reported on 4/30/17	

Component #2 of 3 Water Quality Standards			
Components	Narrative	Indicators	FY - 16 Performance Activity Measures
The Water Quality Standards Program operates under Section 303 of the Clean Water Act, and requires each state to adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the Act as defined in sections 101(a)(2) and 303 (c).			
a.(Scott Stoner)(Wayne Jackson)	<p>DEC will continue to implement a State Water Quality Standards Program.</p> <p>DEC will propose for public comment, by September 30, 2016, the triennial rule for water quality standards that DEC has developed over the past several years in close collaboration with EPA. This triennial review is expected to include revised standards consistent with EPA's 2012 Recreational Water Quality Criteria, for some/selected beach act waters, polycyclic aromatic hydrocarbon (PAHs) for the NY-NJ Harbor and include an appropriate mechanism to address waters with low D.O., due to natural conditions.</p>	<p>Progress Through 9/30/16 Reported on 10/31/16 and Progress Through 3/31/17 and Reported on 4/30/17</p>	<p>WQ-3a: Number, and national percent, of States and Territories that within the preceding three year period, submitted new or revised water quality criteria acceptable to EPA that reflect new scientific information from EPA or other resources not considered in the previous standards.</p> <p>NY's Draft commitment = N/A</p>

Component #2 of 3 Water Quality Standards			
Components	Narrative	Indicators	FY - 16 Performance Activity Measures
	<p>Significant provisions contained in the previously prepared draft revision to TOGS 1.1.1 will be proposed in the triennial rulemaking above. DEC will prepare a revised draft TOGS 1.1.1 to include new/revised standards adopted in the triennial rule, as well as other provisions including the addition of generic numeric criteria for 600 unspecified organic contaminants (UOCs) and two generic groups of UOCs: organic flame retardants and organic pharmaceuticals. This TOGS will be proposed for public comment after final adoption and EPA approval of the completed triennial rule.</p> <p>DEC will continue development of proposed guidance for numeric nutrient criteria to be completed and submitted to EPA for review by August 2016. This proposal will include total phosphorus target values derived for</p>		

Component #2 of 3 Water Quality Standards			
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	<p>protection of the state's rivers and lakes and may also include total nitrogen target value(s) derived to protect the state's estuaries. While establishing numeric nutrient criteria, DEC will continue to focus on a broad array of strategies to continue nutrient reduction consistent with EPA's March 2011 "Nutrient Reduction Framework" memo. DEC's broad efforts will support an implementation strategy based on existing narrative standards, and will include nutrient reductions via TMDLs, watershed plans, and appropriate regulatory measures in targeted priority waterbodies/watersheds.</p> <p>DEC will continue the rulemaking process for the reclassification of waters in the Lake Champlain drainage basin (6NYCRR Part 830), and St. Lawrence River drainage basins (6NYCRR Part 910)</p>		

Component #2 of 3 Water Quality Standards			
Components	Narrative	Indicators	FY - 16 Performance Activity Measures
	<p>with notice of proposed rulemaking for both to occur by September 2016.</p> <p>DEC will continue internal preparation toward reclassification of remaining Class SD (and perhaps other) saline waters of New York City and Long Island, with a goal of issuing a public notice of proposed rulemaking during the 2017-18 work plan year.</p> <p>DEC will continue to participate in the national Water Quality Standards Manager's Association (WQSMA), as travel restrictions allow.</p>		

Component #3 of 3 – TMDLs			
Components	Narrative	Indicators	FY - 16 Performance Activity Measures
Component #3 of 3 – TMDLs a. (Angus Eaton)(Rosella O'Connor):	<p>DEC will continue ongoing work developing TMDLs, some of which are not expected to be completed during this PPG time frame, such as Hemlock Lake and Oak Orchard Creek.</p> <p>DEC will make a draft Cayuga Lake TMDL available for public review by January 30, 2017.</p> <p>NYSDEC will develop an alternative restoration plan for the Western Bays by September 30, 2016.</p> <p>NYSDEC will submit a final Black Creek Phosphorus TMDL for approval to EPA as soon as possible, but no later than September 1, 2016.</p> <p>NYSDEC will submit the Lake Carmel and Engleville Pond TMDLs to EPA in time for EPA to approve the TMDLs by</p>	<p>Progress Through 9/30/16 reported on 10/31/16 and Progress Through 3/31/17 and Reported on 4/30/17</p>	<p>WQ-27: Extent of priority areas identified by each state that are addressed by EPA-approved TMDLs or alternative restoration approaches for impaired waters that will achieve water quality standards. These areas may also include protection approaches for unimpaired waters to maintain water quality standards. (Target measure)</p> <p>For WQ-27, NYSDEC will identify its priorities for completing TMDLs or alternative restoration approaches for the timeframe 2016-2022 and annual commitments for each federal fiscal year.</p> <p>WQ-28: State-wide extent of activities leading to completed TMDLs or alternative restoration approaches for impaired waters, or protection approaches for unimpaired waters. (Indicator measure)</p>

Component #3 of 3 – TMDLs

Components	Narrative	Indicators	FY - 16 Performance Activity Measures
	<p>September 30, 2016.</p> <p>NYSDEC will make draft TMDLs for Conesus and Honeoye Lakes available for public review by March 31, 2017 and submit final TMDLs to EPA in time for EPA to approve them by September 30, 2017.</p> <p>NYSDEC will submit a 9 key element watershed plan for the Forge River in time for EPA to concur with the plan by September 30, 2016.</p> <p>By June 2016, consistent with the goals of the vision strategy, and with input from EPA, NYSDEC will identify: the priorities for developing TMDLs or alternative restoration approaches for the 2016-2022 timeframe; a commitment WQ-27 for FFY 2016/2017; and targets for the indicator measure WQ-28.</p>		

Component #3 of 3 – TMDLs			
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b. (Angus Eaton)(Rosella O'Connor)	NYSDEC and EPA will agree, by September 1, 2016, on the list of waters/pollutants for which TMDLs will be established by the State and submitted to EPA for its review and approval by Sept. 30, 2017.	Progress Through 9/30/16 Reported on 10/31/16 and Progress Through 3/31/17 and Reported on 4/30/17	
c. (Don Tuxill) (Rosella O'Connor)	NYSDEC will submit an alternative restoration plan for Lake Ontario PCBs to EPA for approval by September 30, 2016.	Progress Through 9/30/16 Reported on 10/31/16 and Progress Through 3/31/17 and Reported on 4/30/17	

Reporting on Progress

DEC will provide a narrative report on progress for Component 1b. and Component 2a. by October 31, 2016 and April 30, 2017. Progress will be reported separately on Component 1a. by December 31, 2016. DEC will advise the EPA whether or not the commitment has been met, is on schedule to be met or is not expected to be met. In the latter case, the DEC will explain the reason for not achieving the commitment and when it is likely to be met. The EPA will review the 604(b) Status Report and advise the DEC of its concerns by November 30, 2016 and May 31, 2017. The DEC will attend any meeting requested by the EPA which is needed to clarify and/or resolve any issues and concerns.

Abbreviations and Acronyms

1. CWA -Clean Water Act
2. DEC - Department of Environmental Conservation
3. EPA - Environmental Protection Agency
4. DO - Dissolved Oxygen
5. MOA - Memorandum of Agreement
6. RPCPOs/IOs - Regional Public Comprehensive Planning Organizations or Interstate Organizations
7. TOGS - Technical and Operational Guidance Series
8. WQ -Water Quality
9. WQMP - Water Quality Management Planning
10. MDV - Multiple Discharge Variance
11. WQSMA - Water Quality Standards Manager's Association
12. PAHs – Polycyclic Aromatic Hydrocarbon
13. UOC – Unspecified Organic Contaminant